

## **OTV'S POLICY AGAINST SEXUAL DISCRIMINATION AND HARASSMENT**

### **Preface:**

OTV believes in equality among its employees. Every employee including a woman employee has the right to be treated with dignity & respect and be free from all forms of harassment at workplace. OTV's HR Policy also contains a clause for protection of women employees against sexual harassment. This policy is one in the above context and aims at creating a healthy and non-discriminatory work environment for all and prescribes procedures for resolution, settlement or prosecution of such acts. It should be the moral obligation of all employees to have respect for their colleagues. Special care needs to be taken in respect of women colleagues to desist oneself from the commission of acts of sexual harassment. OTV adopts and modifies the policy further to the prescriptions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013".

### **Awareness:**

#### **Meaning of Sexual Harassment:**

Sexual Harassment at workplace is a violation of women's right to gender equality, life and liberty. It creates an insecure and hostile work environment, which discourages women's participation in work, thereby adversely affecting their economic empowerment and the goal of inclusive growth. Harassment is behaviour, which has the effect of humiliating, intimidating, or coercing someone through personal attack. It is also behaviour that can cause the recipient to be embarrassed, uncomfortable and cause emotional distress.

If harassment is sexual in nature its termed as Sexual Harassment. It is the unwelcome sexual advances, requests for sexual favours and other verbal behaviour or physical conduct of a sexual nature. In addition when the submission to such conduct is made an implicit condition of an individual's employment, then it is sexual harassment within the workplace Sexual harassment is considered as a violation of human rights as it is a form of sex discrimination.

"workplace" include organisations, department, office, branch unit etc in the public and private sector, organized and unorganized, hospitals, nursing homes, educational institutions, sports institutes, stadiums, sports complex and any place visited by the employee during the course of employment including the transportation.

Similarly definition of "employee" covers regular/temporary/ad hoc/daily wage employees, whether for remuneration or not and can also include volunteers. The definition of employer includes the head of the Government department/organisation/institution/office/branch/unit, the person responsible for management/supervisions/control of the workplace, the person discharging contractual obligations with respect to his/her employees and in relation to a domestic worker the person who benefits from that employment.

### **DEFINITION of SEXUAL HARASSMENT:**

In legal terms, sexual harassment includes such unwelcome sexually determined behaviour (Whether directly or by implication) as :

- a) Physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non - verbal conduct of sexual nature.

### **PENALTY for OFFENCE:**

In this regard further to advisory in the standing order and code of conduct all employees are advised to help preventing any chance of causing of sexual harassment in the work place and

outside and even by third party. Any violation of same would be treated as violation of code of conduct and discipline and would attract penalties of the nature of major misconduct by way of initiation of disciplinary proceeding. The same shall be over and above the other recourses if any prescribed under the Indian Penal Code.

“**Redressal Mechanism**” OTV has its Internal Complaints Committee (ICC). The ICC is a five member committee as per the following.

Mrs. Kasturi Ray, Presiding Officer

Mr. Manoranjan Sarangi, Member

Mrs. Babita Swain, Member

Mr Partha Nandy, Member

Mrs. Sneha Mishra- Secretary, AAINA

When the complaint is against the employer, same will be looked into by the Local Complaints Committee (LCC) as notified under the Act by a District Officer at the district level.

### **COMPLAINTS COMMITTEE and PROCEDURE:**

OTV in the above context has constituted the Internal Complaints Committee as aforesaid for redressal of grievances of the above nature. It shall formulate its own procedure, working pattern and maintenance of records of proceedings. Any woman employee feeling aggrieved genuinely can approach any member of the committee through e-mail, in person or telephone (Contact details given below for reference). Any Employee may raise issues relating to sexual harassment at general meetings or to HR Department and in other appropriate forum which would be discussed in Meetings. Such grievances shall be dealt with extreme confidentiality.

### **LIMITATION:**

A complaint of sexual harassment can be filed within a time limit of 3 months. This may be extended to another 3 months if the woman can prove that grave circumstances prevented her from doing the same.

### **CONCILIATION:**

The ICC can take steps to settle the matter between the aggrieved woman and the respondent, however this option will be used only at the request of the woman. Monetary settlement shall not be made a basis of conciliation. Further, if any of the conditions of the settlement is not complied with by the respondent, the complainant can go back to the Committee who will proceed to make an inquiry.

### **COMPLETION OF INQUIRY:**

The Committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days.

**ACTION ON REPORT:** In case the complaint has been found proved, then the Committee can recommend action in accordance with the provision of service rules applicable to the respondent or as per the rules which will be prescribed, where such service rules do not exist. The committee can also recommend deduction of an appropriate sum from the salary of the respondent or ask respondent to pay the sum. In case the respondent fails to pay such sum, district officer may be asked to recover such sum as an arrear of land revenue.

In case the allegation against the respondent has not been proved then the Committee can write to the employer/district officer that no action needs to be taken in the matter.

**MALICIOUS or FALSE COMPLAINT:**

In case of malicious or false complaint a penalty according to the Service Rules. However, this clause has a safeguard in the form of an enquiry prior to establishing the malicious intent. Also, mere inability to prove the case will not attract penalty under this provision.

**INTERIM RELIEFS:**

The aggrieved woman in the interim period can seek leave and transfer during the pendency of the inquiry.

**IDENTITY:**

The identity and addresses of the aggrieved woman, respondent and witnesses shall not be disclosed. However, information regarding the justice secured to any victim of sexual harassment under this Act without disclosing the identity can be disseminated.

**WORKSHOPS:**

OTV has published the Policy in Notice Board and in website and guarantees to create an environment which is free from sexual harassment. OTV as earlier would organize workshops and awareness programmes at regular intervals for sensitizing the employees about the provision of this legislation and display notices regarding any change in the constitution of Internal Committee, penal consequences of sexual harassment etc.